App F IX 4

Previous References 1943-44 (Municipal)

File No 88-43

Serial Nos 139, 140

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two.

Part B for May 1945

SUBJECT

Grant of a site to the North West Corner of Sir Narasimharaja Colony measuring 40'X60' to Mr CB Venkoba Rao at an upset price

To the Mk Commissioner, Bangalore
L 11259 dy 21/5/45
Issues instructions in the matter

21/12

Letter No Ag. Sr 14-9/42 Dt 14-12-43 from Revenue Committee forwarding for orders a copy of the resolution of the meeting approving the grant of a site measuring 40 ft by 60 ft situated at the North-West corner of Sri Narasimharaja Colony at an upset price of Rs 2 per sq yard to one Shri C/o Venkoba Rao

Sanction of Govt is necessary only when the value of the property does exceeds Rs-10000/- In the present case the value of the site fixed by the meeting is below Rs 10000/-

2) Kindly refer case to the forwarding note of this Dy Secretary

3) Whether the Value of the property as fixed by the meeting is to be taken into consideration or the market value of the site is to be taken into account is a point for orders This is the 1st case of its kind

4) The Law section will also be requested

Ans 23/12

5) Pl bring up with a copy of the Supreme Court Revenue Rule wherein the definition of "value"

for 31/12

6) Kindly [illegible] to Section [illegible] Act [illegible] and section [illegible] which [illegible] transfer, immovable [illegible] and [illegible] the powers [illegible]

7) In this case it is proposed to grant a site measuring 40 × 60' in the Mysore Township adjoining to one Mr. C-B, Venkatramana at an upset price of Rs 2/- per sq yd. At this rate the cost of the site would be Rs 533/-

8) It is however stated that the said Ltd in this locality have fetched between Rs 1000 Rs 2500/- for each site

9) The point for consideration is whether having regard to the provisions of Section 41 (3) of the City Improvement Act 1923 granting that the site may be disposed of for a less price whether the Improvement Trust will be justified in disposing it of even though it is likely to cost more than Rs 2400/- The President of the Trust is requested to give his views in the matter

10) The words used in sec 41(2) of the Act are "two thousand rupees in value" It seems to be the intention of the legislature that the words "value" should be taken to mean only the market value of the land prevailing at the time the lands sold, which would only be to the advantage of the municipal Council The proposal now made is to sell away the land for an upset price at Rs 2 per acre although its market value would be more than Rs 2000 seems to defeat the object of the legislature & it cannot be supposed, as the Mcl would stand to lose by the transaction By trying to put an interpretation on the section Contrary to its spirit the M.C. seems to be abusing its powers Hence it has to be held that the words "in value" have to be deemed as meaning "market value" & sanction of Govt must be had upon according to the section, although the Mcl may try to dispose of such lots for a nominal value with a view to grant concessions rather than working for the larger interests of

4

6427 p 647

Continuation Sheet | File No / Current No | of | 3755 Pages

The finances of the Ally for relief
It would be better if annex the Secretariat also & so include the finance
as by this way for appointment Lawrey for
21 2-

(GEOY-LAW DEPT
23 DEC 1944
DVI

11) We considered the question
in the case of a grant by Secretary of State
Municipal Council (S) Mr Z
up Mar file

23 2-44
for

12)
Subj with ref file 9 2-42 (54159, 83884)
as directed above

WB
29/2

Lawrey for 29/2/44

C
C Secy

13) Law Section may file
comments

1-3-44

14) In favor of grant

Asst Secy
Law Section for 1/3/44

No 9
1/3/44

3
1/9/44
7 pm
Law 114 / 4 3 44
2-3-44

15) Mr C B Venbose Rep wants a Sch- north of Sir Ramsaroop's Colony at an upset- price — the Municipal Council have passed a Resolution that the grant may be made at £2/ for 99 Years — this Resolution has passed by 19 votes for & 3 against

16) The Municipal Council has sent this Resolution for the orders of Govt — for the following reasons —

17) (1) The Municipal Engineer reports that such Canal be granted, as it is not proposed to form Schs in that locality —

(2) Schs in the locality have fetched between £2000/ & £3000/ for each Sch

18) By Sec 41 (2) there is no provision for the grant of a Sch at an upset price by the Municipality Under Section 41 (1) — the Municipality has power to lease, to sell, or otherwise transfer any immovable property — as it is specified in Sec 41 (2) as to that this power has to be exercised — it can give any land vested in them, of any value, free, or else enter into a lease for over 7 years, or sale or otherwise transfer immovable property exceeding £2000/ in value, but such transactions can be effected only with the previous sanction of Govt — thus the Municipality

19) a/ Can grant a land free only with the sanction of Govt

8

3705
L

Continuation Sheet ML File No / Current No 88 of 43 Page

25) Secretary ML Comm will be informed that, for purposes of sections 41(a) of the Mysore City Mthes Act 1933, "Value" means "market Value" and that it should be taken into consideration and not any Value which the ML council may put upon it. He will also be informed that, in future in all cases where the ML Lands is sold at a reserve price, when the market value is increased to likely to exceed Rs 40,000/- it should be subject to stock for an auction, as laid down in the Rules (Law dept)

KMB 3/71

17 3 71

27) It may be ascertained from the Market Rate or the Resolution

17-3-71

26) Secretary to draft a letter for approval

KMB 20/3/71

28) Draft letter to the ML Comm, Bangalore

No L 9950 dt 23-3-71

Calls for some information

3705 √ 763/2

ion Sheet | ~~File~~ No / Current No | of | Page 6

Letter No 867 - Dr 149/62 dy 30-5-64 from the Mc Comm, Bcrs stating that the market value of the proposed site may be taken at Rs 8-97 per sq yard being the average rate realised from the sale of 9 sites auctioned on 31-5-64 in the same locality

30) Submit with reference to para 27 supra

WMS 4/7

Law dept for 9/7 pm

SECRETARIAT 3 JULY 1944 GOVT OF MYSORE

31) May not be appropriate as the Engineer had represented that sites had not been laid out & proceed the Journal thereafter

Rec 3-7-64

Rec 2-7-64

OFFICE OF THE MINISTER FOR L S G & P H Dat 4 7 64 No 107

32) WMS 22-7-64

Rec 24-7-64

33) D/r regd for 24-7 pm

34) Submit with draft letter for approval

WMS 5/8

35) It is seen from a perusal of the file that sites are allotted after the Journal in that area. This will not be consistent with the Engineers report - Call for

10 7637, √5302 2

Continuation Sheet File No / Current No of Page

Correct hig[h] on the front
Cus
17 8 44

36) Submit with a draft letter for appl
14/8 17/8

37) D.O. No. f 1718/Cus

To The ml Comm, Bngf ~~thro DBK~~
NO L 1844 Dy 25-8-44
Calls for some information
Letter NO A 7 DR 149/42 Dy 5-2-45 from
the ml Comm, Bngf furnishing
the information

GEN & P
Dy 14
3/8

38) From the report it is seen that, though
the ml Engineer had reported that
sites were not proposed to be formed,
the Pdt of the ml cl placed the subject
before the ml cl at their meeting
held on 14-8-43, who approved of the
proposal of the Managing Committee
to sell the land at Rs 2 per sq yard
39) Submit for orders with reference to
14/8 para 35 supra
15/8
16/8

40) A self contained note, referring
to the Law point on above is
necessary or may be perhaps unnecessary

15/8/45

Subject Grant of a site in the Narasimharaja Colony Bangalore measuring 40'x0' to Mr C B Venkoba Rao at an upset price

---

41) One Mr C B Venkoba Rao an employee of the Mysore Paper Mills applied on 22-3-43 to the City Municipal Council for the grant of a site situated in the North-west Corner of the Narasimharaja Colony on the ground that he was getting a small salary and was therefore unable to pay the rent etc On 14-8-43 the City Municipal Council resolved that the above land may be granted to the applicant at an upset price of Rs.2/- per sq yard At this rate the cost of the site would be Rs.533/- The Municipal Commissioner has submitted this resolution for the orders of Government for the following reasons -

1) that the Municipal Engineer reported that the site cannot be granted as it is not proposed to form sites in that locality

2) that sites of similar dimension in that locality have fetched between Rs.2 000/- to Rs.2 500/- for each site against the upset price of Rs.533/- decided upon by the Municipal Council

42) The President of the Municipal Council has solicited a ruling in the matter as the value of the site fixed by the Municipal Council is below Rs.2 000/- and does not therefore require sanction of the Government as contemplated under Sec 411 of the Act

43) The point for consideration is whether having regard to the provisions of section 41(2) of the City Municipalities Act 1933 the above site may

may be disposed of for a less price and whether the Municipal Council has power to dispose it of even though it is likely to cost more than Rs.2 000/-, without the previous sanction of Government and whether for the purpose of section 41(2) 'Value" means "Market Value" or the price for which the City Municipal Council proposes to sell the land

44) According to the opinion furnished by the Law Section, for the purpose of Section 41(2)"Value" means "Market Value and not any value which the Council may propose (Vide para 24 of the Notes) Quite so 21.4

45) In the present case the market value of the land sold at an upset price of Rs.2/- per sq yd would be Rs.8-9-7 per sq yd being the average ~~rate~~ price realised for such sites in the locality in the month of May 44 The total "Market value" of the land in question would therefore be more than Rs.2 000/- and sanction of Government is therefore necessary Besides the Municipal Council would stand to lose by the present transaction.

46) In view of the above it is for consideration if the Municipal Commissioner may be informed that for purpose of Section 41(2) of the Mysore City Municipalities Act 1933 the word 'value' means "Market value" and t at it should be taken into consideration and not any value which the unicipal Council may put upon it We will also be further informed that in future in all cases where the Municipal land is sold at an upset price when the market value of such land is likely to exceed R 2 000/-, the proposal should be submitted to Government for sanction as laid down in the above Section

47) For orders with refce to paras 27, 31, 32 & 35 of the notes supra
Law Secy for 17 3 45

Market Value means the actual
market value of the land having
regard to the prevailing prices
in the locality at the time

The land is sold for
a Low price of Rs 533/- while
its market value was more
than Rs 2000/- The Municipal
Engineer has reported that
it is not proposed to fix prices
in the locality

permission may therefore
be refused

OFFICE OF THE MINISTER
FOR REVENUE & LAW
20 MAR 1946
No 3571

Yes
19-3-46

Yes & also inform the W C
that value means market value
with ref to lands of similar
description in the vicinity & not any
arbitrary price fixed by the W C

Draft reply received
for
2/5/45

5) Sent with a draft letter for appl
WHB
4/5

6) Suggestions of Secretary of State
for
5/5/45

7) Sent with a revised draft
JAK
8/5/45

8) Approved
P/5/45

To The Municipal Court
WO 1125 G/mil 8843-140
2/5/45
Gives instructions as to matter

JAK
2/5/45

PH-686-213-1-9

BANGALORE CITY MUNICIPALITY

No A6 Dr 149/42

Encl

MUNICIPAL OFFICES

Bangalore ~~4th Oct~~ 1943
14th December 1943

FROM

P SURYANARAYANA SETTI ESQ BA LLB
MUNICIPAL COMMISSIONER
Bangalore City

GEN & REV SECRT 3705 15 DEC 1943 L S G BRANCH

To

C Narayanaswami Naidu Esq B A ,B L ,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT BANGALORE

SIR

I have the honour to state that one Mr C B Venkoba Rao had applied for the grant of a site at the north west corner of Sri Narasimharaja Colony measuring 40' x 60' at an upset price The Municipal Engineer thereon reported that the land applied for could not be granted as the sites were not proposed to be formed there But the City Improvement Committee and the Municipal Council have, in their meetings held on 13-7-1943 and 14-8-1943 respectively resolved that the above land may be granted to the applicant at an upset price of Rs 2/- per square yard As the sites which were recently sold in this locality have fetched between Rs 2 000/- and Rs 2 500/- for each site, I request that orders of Government may be kindly obtained in the matter and communicated very early

I have the honour to be,
Sir
Your most obedient servant,

Forwarded with compliments

I do not know under what powers or from what orders of the Government are ~~Honorary President~~ sought for in this case Section 41(2) states that "In the case of every free grant of immovable property

Municipal Commissioner

P-T O

whatever may be its value, and of every lease for a term exceeding seven years and of every Sale or other transfer of immovable property, exceeding two Thousand rupees in value the previous sanction of the Government required

This is a case of Sale of immovable property of Rs 533/- in value and not exceeding Rs 2000/- in value and as such the matter is entirely within the powers of the Municipal Council, and if the Government were to interfere in such cases, it would amount to taking away the powers of the Municipal Council so intentionally given under the Act

Since this matter relates to powers of the Municipal Council and its growth in prosperity, I request you to kindly use for a direction in such matters I may add that this is the first time that in a case of this kind, orders of the Government are sought for

Yours faithfully
Hon Secretary

9 12 43

PROCEEDINGS OF THE CITY IMPROVEMENT COMMITTEE DATED 13-7-1943

7 Application of Mr C B Venkoba Rao requesting for the grant of a site to the north of Sri Narasimaharaja Colony, Basavanagudi at an upset price, as per sketch

Resolution.- Grant may be made at Rs 2/- per sq yard

Sd V K Govindarajulu,

Chairman, 13-7-1943

"Copy"

Municipal Commissioner

PROCEEDINGS OF THE BANGALORE CITY MUNICIPAL COUNCIL DATED 14-8-1943

Subject 22 - Opinion of the City Improvement Committee dated 13th July 1943 that site in the north west corner of Sri Narasimharaja Colony measuring 40'X60' may be given at an upset price of Rs 2/- per sq yard to Mr C B Venkoba Rao

Resolution - The opinion of the City Improvement Committee was discussed for some time and then put to vote and carried 19 voting FOR and 3 AGAINST it

Sd V K Govindarajulu,
Honorary President

"Copy"

Municipal Commissioner

Ordinary General meeting of the Ci
Bangalore, held on Saturday the 14th August 1943.
Chamber of the City Municipal Offices, Bangalo

Present

Govindarajulu, Esq , B A , B L (Hon President)

Members.

	Bant[illegible]thapla	13	C A Narasingh Rao [illegible] , B I
	[illegible] Shamy	1	H R Rama Reddy, B,[illegible] LL B
T L	Gangoji Rao	15	K A Gopal Swami Iyengar, M A , B
L C	[illegible]aji, M A (Hons) B [illegible]	16	M K Nanayana Iyengar
V	Venkataramanappa	17.	M Krishnaswamy Pillai
G	[illegible]ajulla	18	[illegible] Lamlab, B Sc ,
T	Gangadharaswamy	19	C Krishna Rao
B.S	Shankaraiya Setty	20	[illegible] Lal, B Sc , LI
V	Venkatasvami Chetty	21	Mirza Azeezulla Baig
[illegible]	Ranga Setty	22	A [illegible] Bhajath
[illegible]	Ramaswami, B A ,	23	[illegible] Mohiuddin Khan
~~[illegible]~~	~~[illegible]~~ ,	24	[illegible] Yousuf, [illegible]
Ramalal Shuwa	25 V Chamarajapuram		

Absent

Re

Absent

[illegible] Muhammad Hafiz, B A , LL B ,		3	[illegible] Ghouse,
Setta Kamakshiah Setty		4	[illegible] Venkatachariar

Appendix F G —1]

SUBJECT

Section Ml

File No 88-43

Serial No

Diary No of letter replied to

No L9950

General and Revenue Secretariat

( )

the *194*

To The Ml Commr, Bdg of the P

Sir

Date of issue 23/3/44

With reference to your letter No A6 Dt 149/42 Dt 14-12-43 re the Grant of a site measuring 40ft by 60ft situated at the North West Corner of Sri Narasimharaja Colony at an upset price of Rs 2/- sq yard to one Mr CB Venkatea Rao, I am directed to request you to be so good as to state what the market Value of the

Signed by

List of enclosures

Codied by ASR 22/3/44

Examined by

WD 04161—GPB—60 000—24 10 41

particular date on the
date of the resolution of
the one of

I have etc
[illegible]
Secretary to Council
WO 20/3 [illegible] Dept

BANGALORE CITY MUNICIPALITY

No A6/7 DR 149/42 MUNICIPAL OFFICES

Encl *Bangalore* 30th May 1944.

GEN & REV SECRETT
7637
3 JUNE 1944
L S G BRANCH

FROM

P SURYANARAYANA SETTI ESQ BA LLB
MUNICIPAL COMMISSIONER
Bangalore City

To

C Narayanaswamy Naidu, Esq , B A , B L ,
Secretary to Government,
Law Department, BANGALORE

SIR

Subject - Re grant of a site to the North West corner of Sri Narasimharaja Colony measuring 40' x 60' = 266 2/3 sq yards to Mr C B Venkoba Rao, at an upset price

---

With reference to your letter No L 9950/A1 88-43 dated 23-3-1944 requesting to furnish the market value of the site in question on the date of the resolution of the Municipal Council, I have the honour to state that the market value of the proposed site may be taken at Rs 8-9-7 per sq yard (being the average rate realized from the sale of 9 sites in public - auction held on 31-5-1943 in the same locality

I have the honour to be,
Sir,
Your most obedient servant,

P Suryanarayana Setty
Municipal Commissioner.

Forwarded with compliments

C N Narayanaswamy Naidu

Hon President

Appendix F G —1]

SUBJECT

Section

File No

Serial No

Diary No of letter replied to

No L 1844 & 2587 MG,

To

The Ml Comm, Bang thro' DOS.

Sir,

With reference to the Correspondence ending with your letter No A4/7 Dr 149/42 Dt 30.5.44 forwarded re the Grant of a site to the North West Corner of Sri Narasimharaya Colony to Mr. CB Venkoba Rao at an upset price, I am directed to state that from the Sketch enclosed with your letter Dt 14-12-43, it is seen that sites are proposed to be formed in that area but the Mil Engineer Services to whom this was referred have reported that the sites are

General and Revenue Secretariat

( )

the *194*

Date of issue 25/8/44

Signed by MRG RR

List of enclosures

Copied by

Examined by

WD 04161—GPB—60 000—24 10 41

were not proposed to be formed in the area
I am therefore to request that the discrepancy may be
Correct information ~~may be~~
furnished in this behalf

Thanking etc

for Secy to Govt
Law Deptt
11/8

BANGALORE CITY MUNICIPALITY 25 5302 I

No A7-Dr 149/42/ MUNICIPAL OFFICES,

Encl One file Bangalore 5th Feb. 1945

FROM K SUBBA RAO ESQ , B A
~~XXSUBBXXX

Appendix F G—1]

SUBJECT

Section ML
File No 88-43
Serial No 140

Diary No of letter r plied to 5302

No L-11259

General and Revenue Secretariat

( )

the 194

To

The Municipal Comr Bangalore
through the DPI C M C Bangalore

Date of issue 21-5-1945

Signed by M S Rao

Sir

With reference to correspondence ending with your letter No A7-Dr 169/16295 dated 19th last I am directed to forward herewith the N W corner of the Sri Narasimharaja Colony to one Mr C B Venkata Rao,

Last of enclosi

Copied by

Examined by

I am directed to state as follows:—

The point for consideration in this case is whether having regard to the provisions of

WD 0744—GPB—15 000—30 10 44

Section

Section 44 (2) of the City Municipalities Act 1933, the strip in the North west corner of the Sri Nagamuthaya colony may be disposed of for Rs 533 viz at Rs 2 per sq yard & whether the municipal Council has power to dispose of it even though it is likely to cost more than Rs 2000, without the previous sanction of Govt & whether for the purposes of Section 44 (2), "Value" means market value" ~~& not any fictitious value which the municipal council may put~~

Govt opines that, for the purpose of Section 44(2) of the Act, the word "Value" means "Market value" & not any arbitrary price which the municipal Council may fix & put upon the concerned land with respect to lands of similar description in the locality

In the present case, the market value of the land sold at Rs 2 per sq yard would be Rs 8-9-7 per square yard based on the average price realised for similar site in the locality in May 1964 The total market value would at this rate be more than Rs 2000 & the sanction of Govt would accordingly be necessary If the land be sold at Rs 2/- per sq yd, the municipal Council would also lose by the transaction ~~the~~ the grant of the site @ Rs 2 per sq yd cannot therefore be upheld to & add further that in future in all cases

where

Where the municipal land is sold at an upset price, when the market value of such land is likely to exceed Rs 2000 the proposal should be submitted to govt for sanction as laid down in Sec 41(2) of the Calcutta Municipal Act of 1923 & Rules etc

The file of papes received from Chairman referred is herewith returned.

Yours very truly
Louis Lee Hyland
for Town Clerk

REMINDERS

No	Date	

WD 0296—GPB—7 .00—22-2 38

MENT OF HIS HIGHNESS THE MAHARAJA OF

General and Revenue Secretariat

Dated Bangalore 21/5/74

in the respect ...ttee

x IV

...ations.

No ...les were sanctioned during

...ees etc., Abandoned

...osed during the year nor were
...e recovery of fees as ...round
s discontinued during the year
...y was unauthorised

the principles of assessment
ear The Revision of taxes
ue in the municipalityxx as

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L-11259
JM-88-43-140

Dated Bangalore 21/5/44

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore
Law Department

To

The Municipal Commissioner,
Bangalore City

THROUGH: THE PRESIDENT, CITY MUNICIPAL COUNCIL, BANGALORE

Sir,

With reference to correspondence ending with your letter No A T Dr 149/42, dated 5th February 1945, about the grant of a site in the North-west corner of the Sri Narasimharaja Colony to one Mr C B Venkata Rau, I am directed to state as follows -

The point for consideration in this case is whether having regard to the provisions of Section 41 (2) of the City Municipalities Act, 1933, the site in the North West Corner of the Sri Narasimharaja Colony may be disposed of for Rs.533/- i e at Rs 2 per Sq yard and whether the municipal council has powers to dispose it of, even though it is likely to cost more than Rs 2,000/- without the previous sanction of Government and whether for the purposes of Section 41(2), "value" means "market value" Government consider that, for the purpose of Section 41(2) of the Act, the word value" means "Market Value" with reference to lands of similar description in the vicinity and not any arbitrary price, ~~price~~ which the Municipal Council may fix thereon

In the present case, the market value of the land sold at Rs 2/- per sq yard would be Rs 8-9-7 per sq yard, based on the average price realised for similar sites in the locality in May 1944 The total market value would, at this rate, be more than Rs 2,000/- and the sanction of Government would accordingly be necessary If the land be sold at Rs. 2/- per sq yard, the Municipal Council would also stand to lose by the transaction The grant of the site at Rs 2/- per sq yard

sq yard cannot therefore be approved

I am to add further that, in future in all cases where the Municipal land is sold at an upset price, when the market value of such land is likely to exceed Rs.2 000/- the proposal should be submitted to Government for sanction as laid down in Section 41(2) of the City Municipalities Act of 1933 The file of papers received with your letter under reference is herewith returned

I have the honour to be
Sir,
Your most obedient servant,

Secretary to Government,
Law Department